بخدمت جناب ایس۔ ایچ۔ او صاحب تھانہ صدر ننکانہ صاحب

ECPA
10-06-15

جناب عالی! گزارش ہے کہ سائل چک نمبر 3 تب اٹانوالی تھانہ صدر ننکانہ تحصیل و ضلع ننکانہ صاحب کا رہائشی ہے اور مسجد صدیق اکبر میں بطور امام مسجد خدمات سرانجام دے رہا ہے۔ مورخہ 14-6-2009 کو بروز اتوار ادریس ولد احمد علی قوم آرائیں سکنہ دیہہ کی زمین میں آسیہ زوجہ عاشق مسیح جو عیسائی مذہب کی مبلغ ہے گاؤں کی دیگر عورتوں جن میں عاصمہ بی بی دختر عبدالستار، معافیہ بی بی دختر عبدالستار، یاسمین دختر اللہ رکھا ساکنان دیہہ فالسہ توڑ رہی تھیں آسیہ الزام علیہا نے کہا کہ آپ مسلمانوں کے نبی (معاذ اللہ) کیا ہیں وہ وفات سے مرنے ایک ماہ قبل چارپائی پر بیمار پڑے رہے اور تمہارے نبی کے منہ اور کانوں میں کیڑے پڑے اور تمہارے نبی صلی اللہ علیہ وسلم نے حضرت خدیجہ رض سے محض مال کی خاطر شادی کی اور مال لوٹنے کے بعد انہیں گھر سے نکال دیا۔ مزید قرآن پاک کے متعلق کہا کہ وہ اللہ کا کلام نہیں بلکہ خود بنائی ہوئی کتاب ہے۔ یہ تمام باتیں عاصمہ بی بی، معافیہ، یاسمین مذکوران و دیگران نے مجھے اور گاؤں کے لوگوں کو بتائیں۔ آج مورخہ 19-6-2009 کو سائل معہ محمد افضل ولد محمد طفیل قوم گجر، مختار احمد ولد مشتاق احمد قوم راجپوت ساکنان دیہہ نے عاصمہ بی بی وغیرہ اور آسیہ الزام علیہا کو بلوایا اور 14-6-2009 کے وقوعہ کے متعلق آسیہ مذکوریہ سے پوچھا تو اس نے اقرار کیا کہ مجھ سے واقعی میں نبی کریم صلی اللہ علیہ وسلم اور قرآن پاک کی توہین کی مرتکب ہوئی ہوں۔ اور معافی مانگتی ہوں۔ آسیہ مذکوریہ ملزمہ نے توہین رسالت صلی اللہ علیہ وسلم اور توہین قرآن کا ارتکاب کرکے مسلمانوں کے جذبات کو مجروح کیا ہے۔ دعویدار ہوں آسیہ ملزمہ مذکوریہ کے خلاف توہین رسالت صلی اللہ علیہ وسلم اور توہین قرآن پاک کرنے پر مقدمہ درج کرکے کارروائی مطابق قانون کی جاوے۔

عرض

قاری محمد سالم ولد حافظ غلام جیلانی قوم اعوان سکنہ چک نمبر 3 اٹانوالی
تحصیل و ضلع ننکانہ (امام مسجد صدیق اکبر چک نمبر 3 اٹانوالی)

محمد سالم

IN THE COURT OF SESSIONS JUDGE, NANKANA SAHIB

District & Session Judge
Nankana Sahib

4236

Crl. Misc. No. ____________ / B / 2009

ASIA BIBI wife of Ashiq Masih resident of chack No. 3 Itanwali, Tehseel & Distt. Nankanea Sahib.

------ *Petitioner*

VERSUS

The State

----- *Respondent*

Case FIR No. ----------- 326/2009
Dated -------------------- 19.6.2009
Offence Under section ---------- 295-C, PPC.
Police Station ----------- Saddar Nankana

APPLICATION UNDER SECTION 497 CR. P.C FOR THE GRANT OF POST ARREST BAIL

Respectfully Submitted:-

1- That the petitioner has been arrested in the above titled false case which has been registered at the instance of the complainant.

2- That according to the prosecution story on 14.6.2009 the petitioner has used derogatory remarks against the Holy Prophet be peace be upon him. *(Copy of FIR is attached)*

3- That the petitioners seek post arrest bail inter-alia on the following:-

GROUNDS

a) That the above titled false case has been registered against the petitioner with the mela fide intention of the complainant and police and the petitioner have been falsely involved in the above titled case whereas the petitioner is quite innocent.

b) That the process and procedure required before the lodging FIR under section 295- C PPC has not been adopted.

c) That the petitioner is respectable lady and the case of the petitioner falls for further inquiry.

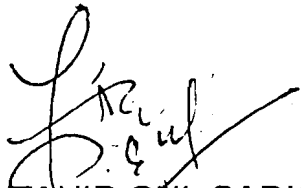
d) That the petitioner is previously non convict.

e) That there is a delay of five days in lodging the FIR which makes the prosecution story highly doubtful.

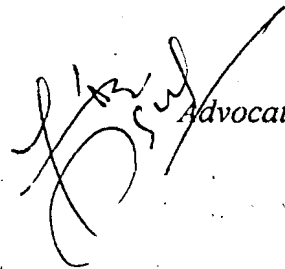
f) That the petitioner is in the judicial lock up since lodging of the FIR and is no more required for further investigation.

g) That there is no apprehension of the absconding of the petitioner or to temper with the prosecution evidence.

h) That the petitioner is ready to furnish the bail bond to the satisfaction of this honorable court.

PRAYER

It is, therefore, most respectfully prayed that concession of post arrest bail may kindly be granted to the petitioner in the interest of the justice.

Any other relief which this honourable deems fit and proper may also be awarded.

Petitioner

Through

AKBAR MUNAWAR DURRANI
Advocate Supreme Court

TAHIR GUL SADIQ
Advocate High Court

31 - Kacha Ferozpur road Mozang Chungi, Lahore.

Note: - As per instructions of my client this is the first bail petition filed in this honorable court.

Advocate.

POWER OF ATTORNEY

326/09

In the court of ______

- 295-C PPC.

19-6-09

Stamp

______ plaintiff / Appellant / Petitioner

VERSUS

______ defendant / respondent

In the matter of Post Arrest Bail.

The under signed hereby appoints:-

Justin Gill Advocate High Court CC. No. 12484	**Akbar Munawar Durrani** Advocate High Court CC. No. 10038	CH. [illegible] ANJUM. Advocate High Court CC. No. 38199
Tahir Gul Sadiq Advocate High Court CC. No. 18730	TAHIR BASHIR Advocate High Court CC. No. 15756	**Eric john** Advocate High court CC. PLH-38110

Centre for Legal Aid Assistance and Settlement **(CLAAS)**
31- Kacha Ferozpur road, mozang Chungi Lahore.
Ph. 042- 7581720, Fax.042- 7591571

to be the advocates for the Petitioner / Accused.
and to represent me / us in the above case in the present court / forum and other forums weather original or appellate to do all such acts that advocates are to do in the normal course of their professional duties.

Dated- ______

ATTESTED
Deputy Superintendent

Signature of client (s)

The State Vs. Mst.Asia Bibi

Statement of the accused Mst.Asia Bibi.
without Oath.

Q. Have you heard and understood the charge ?

Ans.Yes.

Q. Do you plead guilty ?

Ans.No.

Q. Will you produce any defence evidence ?

R.T.I.

Ans.Yes. If necessary.

RO & AC.
1[illegible].10.2009.

مسماۃ آسیہ بی بی

Sd/- Sessions Judge,
Nankana Sahib.

9.

ed.
ed
Mu
to
Nov
Ju
hib

~~CASE~~. OUT TODAY. MOST URGENT.

IN THE LAHORE HIGH COURT, LAHORE.

No. 11148/B/ CRL.

From Dated 17/9/ /2009.

The Deputy Registrar(Judl),
Lahore High Court,
Lahore.

To

The Sessions Judge/Trial Court/Ilaqa Magistrate,

Nankana Sahib.

SUBJECT:- CRL.MISC. ~~CRL.REVISION. CRL.APPEAL~~ NO. 11148-B/2009.

Mst.Asia Bibi. Versus. The State.

PETITION/CHARGE: U/S 497 Cr.P.C/P.P.C.

Dear Sir, With reference to your
In continuation of this Court Letter No. ______

Dated ______

I am directed to forward for information/immediate Compliance Two Copies of this Court's Order/Judgment Dated 15.9.2009 passed in the above noted case.

An acknowledgement is requested.

2. ~~The Records of Lower Courts re returned herewith.~~

Your's Faithfully
17/9/9

ASSISTANT REGISTRAR(CRL).
FOR DEPUTY REGISTRAR(JUDL.)
21/9/09

جناب عالی!
گزارش ہے کہ مقدمہ ہذا
عدالت جناب نوید اقبال
ایڈیشنل سیشن جج ننکانہ صاحب کو منتقل
ہو چکا ہے
ریڈر ایڈیشنل سیشن جج
28/9/09

Endst.No. ______/Crl. Dated ______

Copy with a copy of this Cout's Order Dated ______ forwarded to:-

The Sessions Judge, ______

for information & Compliance.

Endst No 1943-W-3 Dated 28-SEP-2009

Copy be sent to the court of Mr. Naveed Iqbal, learned ASJ, NNS, for information.

ASSISTANT REGISTRAR(CRL).
FOR DEPUTY REGISTRAR(JUDL.)

Distt. & Sessions Judge
Nankana Sahib

Form No:HCJD/C-121

ORDER SHEET

IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT

Case No: Crl. Misc. 11148-B-09

Versus

S. No. of order/ Proceeding	Date of order/ Proceeding	Order with signature of Judge, and that of parties of counsel, where necessary.

N.Hussain*

15.09.2009 — Mr. Manzoor Qadir, Advocate for the petitioner.
Mr. Muhammad Adeel Aqil Mirza, DPG.
Mehdi Hassan, ASI.

Learned counsel for the time being wants to withdraw this petition. Dismissed as withdrawn.//

Sd/-MIAN MUHAMMAD NAJAM UZ ZAMAN
JUDGE

TRUE COPY

9. 17. 2009

IN THE LAHORE HIGH COURT, LAHORE

Crl.Misc. No. 11148/B/2009

Mst. Asia Bibi wife of Ashique Masih R/o Chak No.3 Ittian wali, Tehsil & District Nanankana Sahib.
(Now confined in District Jail, Sheikhupura)

Petitioner

Versus

The State

Respondent

Case FIR No. 326/2009 dated 19.06.2009
Offence U/S: 295C PPC
Police Station: Sadar Nankana Sahib

PETITION UNDER SECTION 497 Cr.P.C. FOR THE GRANT OF POST ARREST BAIL

Respectfully Sheweth:-

1) That the above said case has been registered on the instance of one Qari Muhammad Salam S/o Hafiz Ghulam Jillani, Caste Awan R/o Chak No.3 Ittian wali, Tehsil & District Nankana Sahib against the present petitioner, who is not a eye witness of the alleged

9. 17. 2009

بی بی جو معتبرہ اور آسیہ الزام علیہا کو بلوایا اور 14-6 کے وقوعہ کے متعلق آسیہ
بی بی سے پوچھا تو اس نے اقرار کیا کہ مجھ سے واقعی میں نبی کریم صلی اللہ علیہ وسلم اور
قرآن پاک کی توہین کی مرتکب ہوئی ہوں اور معافی مانگتی ہوں۔ آسیہ مذکوریہ ملزمہ
نے توہین رسالت صلی اللہ علیہ وسلم اور توہین قرآن کا ارتکاب کر کے مسلمانوں کے جذبات
کو مجروح کیا ہے دلوادار ہوں آسیہ ملزمہ مذکوریہ کے خلاف توہین رسالت صلی اللہ علیہ وسلم اور توہین
قرآن پاک کرنے پر مقدمہ درج کر کے کارروائی مطابق قانون کی جاوے جس پر مقدمہ عنوان بالا درج
ہو کر تفتیش بذریعہ محمد ارشد SI بسبب محمد امین SP انویسٹی گیشن شیخوپورہ عمل میں لائی گئی دوران تفتیش
بر روئے تحقیق کو شامل تفتیش کرنے کے لیے جناب SP صاحب نے ذیل کے حقائق سامنے
آنے تصدیق ہونا تحریر کیا نمبر ا تحقیق کے مابین بروز وقوعہ مذہبی بحث ہوئی تھی جو الزام
علیہ مسماۃ آسیہ بی بی نے حضور پاک کی شان میں اور قرآن پاک کے متعلق گستاخانہ باتیں کی
نمبر 2 بیانات گواہان زیر دفعہ 161 ض ف کی روشنی میں ملزمہ مسماۃ آسیہ بی بی مقدمہ ہذا میں صحیح
گنہگار پائی گئی ہے نمبر 3 خالصتاً کھیت کے مالک محمد ادریس نے بھی مقدمہ ہذا کی تصدیق
کی ہے نمبر 4 دوران تفتیش ملزمہ مسماۃ آسیہ بی بی نے اسلام قبول کرنے والی جو بات کی ہے بروقت
وقوعہ موقع پر موجود خواتین نے اس بات کی تصدیق نہ کی ہے جس سے ظاہر ہے کہ ملزمہ آسیہ بی بی
نے محض اپنے آپ کو بچانے کیلئے جھوٹی اور من گھڑت کہانی بنائی ہے جس میں کوئی صداقت نہ
پائی گئی ہے نمبر 5 دوران تفتیش مسلمان عورتوں کا عیسائی عورتوں کے ہاتھ سے پانی نہ پینا
اور بحث کرنا بھی ثابت ہوا ہے نمبر 6 لوگوں کی موجودگی میں مسماۃ آسیہ بی بی نے حضور پاک کی
شان میں اور قرآن پاک کے متعلق گستاخانہ باتیں کرنا صرف تسلیم کیا بلکہ اپنی غلطی کی معافی
بھی مانگی۔ مندرجہ بالا حالات کی روشنی میں مسماۃ آسیہ بی بی کا حضور پاک کی شان میں
اور قرآن پاک کے متعلق گستاخانہ باتیں کرنا ثابت ہوا ہے جو مقدمہ ہذا میں صحیح گنہگار پائی
گئی ہے۔ مثل مقدمہ ہذا واپس تھانہ صدر ننکانہ صاحب بھجوائی جا رہی SHO کو ہدایت کی جاتی ہے
مسل ہذا بالکمل تفتیش کرے اور چالان عدالت میں بھجوائے۔ مسماۃ آسیہ بی بی کے خلاف ثبوت
کامل چالان مثل پر مقرر آ چکا ہے جبکہ مقدمہ ہذا میں با اعتبار شہادت مندرج خانہ نمبر 4 چالان عدالت
کیا جا رہا ہے ملزمہ کو بذریعہ نوٹس اور گواہان کو بذریعہ سمنات طلب فرما کر سماعت مقدمہ فرمائی
جائے

[signature]

SHO / تھانہ صدر ننکانہ صاحب

12-07-09

تکمیل کاغذات

فارم چالان — بک پرنٹ
نقشہ ریمانڈ — بکیٹ
اصل درخواست مع نقل FIR — بہ مہر

نقشہ موقع — بک پرنٹ
شناختی ریکارڈ — بک پرنٹ
سزا سابقہ — بک پرنٹ

[signature]

SHO / تھانہ صدر ننکانہ صاحب

12-07-09

Complete challan sent up

[signature] 14-9-09

THE STATE VS. MST. ASIA BIBI

CASE FIR NO.326/2009.
U/S 295-C, PPC.
PS SADAR NANKANA SAHIB.

CHARGE SHEET.

I, Mr. Muhammad Naveed Iqbal, Addl. Sessions Judge, Nankana Sahib do hereby charge you accused

Mst.Asia Bibi wife of Ashiq, Caste Christian, resident of Ittanwali Chak No.3, PS Sadar Nankana Sahib

as under :-

That on 14.6.2009 in the area of village Ittanwali falling within the territorial jurisdiction of PS Sadar Nankana Sahib you passed derogatory and sarcastic remarks about the Holy Prophet and the Holy Book (The Quran) before the ladies of the locality and for confirmation when you were called by the complainant and others, you also admitted your delivered remarks before them. Thus, you have committed an offence of blasphemy punishable u/s 295-C, PPC which is within the cognizance of this court.

And I hereby direct that you accused be tried by this court on the above said charge.

03.10.2009.

Addl. Sessions Judge,
Nankana Sahib.

It is certified that the above said charge has been read over and explained to the accused in his own language which she understands.

03.10.2009.

Addl. Sessions Judge,
Nankana Sahib.

بعدالت جناب نذیر [illegible] صاحب ایڈیشنل سیشن جج ننکانہ

326/09 مقدمہ نمبر
295 ج ت پ جرم
تھانہ صدر ننکانہ

سرکار بنام آسیہ بی بی

درخواست برائے طلبی گواہ محمد ادریس

جناب عالی! سائل استغاثہ حسب ذیل عرض گزار ہے۔

۱۔ یہ کہ مقدمہ مندرجہ عنوان بالا عدالت حضور میں زیر سماعت ہے اور آج تاریخ پیشی مقرر ہے۔

۲۔ یہ کہ استغاثہ شہادت استغاثہ میں گواہ محمد ادریس کا بیان قلمبند کروانا چاہتا ہے۔ محمد ادریس کا بیان پہلے صفحہ مثل پر بطور 161 ض ف موجود بھی ہے۔

۳۔ یہ کہ ان حالات میں محمد ادریس کو بطور گواہ طلب کیا جانا قرین انصاف ہے۔

استدعا ہے کہ محمد ادریس کو بطور گواہ عدالت ہذا میں طلب کیا جاوے۔

06-07-10

[illegible] محمد سلیم سائل استغاثہ
بذریعہ وکیل

ایڈووکیٹس میاں ذوالفقار علی
محمد سالم ایڈووکیٹ صاحبان

[illegible] 06-07-10

ضلع ننکانہ صاحب

تھانہ صدر ننکانہ

ضمنی نمبر 3

موصولہ

رپورٹ ابتدائی 326 مورخہ 19-06-09

روانگی

تاریخ و مقام وقوعہ 14-06-09

بجرم 295/سی ت پ

بمقام قصبہ اٹاں والی

حالات تفتیش	نمبر شمار	تاریخ و وقت کارروائی
سرکار بذریعہ: قاری محمد سالم ولد حافظ غلام جیلانی (مدعی) بنام: مسماۃ آسیہ بی بی زوجہ عاشق مسیح (گرفتار حوالات جوڈیشل) منجانب: سید محمد امین بخاری SP انویسٹی گیشن شیخوپورہ		
بسلسلہ ضمنی سابقہ مرتبہ خود تحریر ہے کہ آج بوقت PM خود نے عدالت سے اجازت برائے انٹیروگیشن مسماۃ آسیہ بی بی گرفتار بند حوالات جوڈیشل ڈسٹرکٹ جیل شیخوپورہ اجازت حاصل کرکے ہمراہ ملازمین کے جو ہمراہ عملہ خود برائے انٹیروگیشن آسیہ بی بی روانہ ڈسٹرکٹ جیل شیخوپورہ کا ہوتا ہوں۔	1	[illegible]-06-09
اس وقت میں ہمراہ عملہ خود ڈسٹرکٹ جیل شیخوپورہ پہنچا ہوں۔ جیل حکام نے مسماۃ آسیہ بی بی کو لاکر ہمارے پیش کیا ہے۔ جس کو [illegible] شامل تفتیش کرکے بیان بمعروف دربارہ تحریر کرتا ہوں۔	2	
بیان مسماۃ آسیہ بی بی زوجہ عاشق مسیح قوم عیسائی سکنہ اٹاں والی حال بند حوالات جوڈیشل بند ڈسٹرکٹ جیل شیخوپورہ نے بیان کیا کہ میں غریب عورت ہوں اور محنت مزدوری کرکے گزارا کرتی ہوں۔ بروز وقوعہ بھی فالسہ توڑنے کے لئے گئی ہوئی تھی۔ میں خدا کو حاضر ناظر جان کر کہتی ہوں کہ جو الزام مجھ پر لگایا گیا ہے وہ باتیں میں نے نہیں کی تھیں۔ مجھ پر جھوٹا الزام لگایا گیا ہے۔ میں بے قصور ہوں۔ سوال: مسلمان عورتوں کے ساتھ تمہاری کیا باتیں ہوئیں؟ جواب: بچیوں نے کہا کہ پیاس لگی ہے۔ میں نے کہا کہ پانی لا دیتی ہوں۔ جنہوں نے کہا وہ خود لے آتی ہیں جو پانی لے آئیں اور میں فالسہ توڑنے چلی گئی۔ سوال: کیا تم نے بھی مسلمان عورتوں کے گلاس میں پانی پیا؟ جواب: پیا۔ انہوں نے خود [illegible] کر دیا تھا۔	3	بیان ملزمہ آسیہ بی بی

ضمنی نمبر 4

ضلع شیخوپورہ

موصولہ

روانگی

تھانہ صدر ننکانہ

رپورٹ ابتدائی 326 مورخہ 19-06-09

تاریخ مقام وقوعہ 14-06-09

جرم 295/C ت پ

نمبر روزنامچہ اٹانوالی

تاریخ و وقت کارروائی	نمبر شمار	حالات تفتیش
		مستغاثہ کنندہ! قاری محمد سالم ولد حافظ غلام جیلانی (مدعی) ملزمہ! مسماۃ آسیہ بی بی زوجہ عاشق مسیح (گرفتار جوڈیشل) منجانب! سید محمد امین بخاری SP انوسٹی گیشن شیخوپورہ
6-07-09	1	بسلسلہ رپورٹ ضمنی سابقہ مرتبہ خود تحریر ہے کہ اس وقت مسمی محمد ادریس ولد احمد علی قوم آرائیں سکنہ اٹانوالی حسب طلبیدہ حاضر آیا ہے۔ جس کو مقدمہ ہذا میں شامل تفتیش کر کے مصروف دریافت ہوتا ہوں۔
زیر دفعہ 161 ض ف	2	دریافت محمد ادریس ولد احمد علی قوم آرائیں سکنہ چک نمبر 3 جی بی اٹانوالی نے جو بیان متعلق وقوعہ مقدمہ ہذا دیا ہے۔ مذکورہ کا مفصل بیان زیر دفعہ 161 ض ف علیحدہ مرتب کر کے رکھا گیا ہے جو لف ضمنی ہذا ہوگا۔
	3	SP انوسٹی گیشن! اس وقت تک محمد ادریس ولد احمد علی حاضر آمدہ سے وقوعہ مقدمہ ہذا کی بابت دریافت ہوتی رہی ہے۔ مذکورہ کا مفصل بیان زیر دفعہ 161 ض ف علیحدہ مرتب کیا گیا ہے۔ مسماۃ آسیہ بی بی جو کہ مقدمہ ہذا میں گرفتار ہو کر ڈسٹرکٹ جیل شیخوپورہ ہے سے ڈسٹرکٹ جیل شیخوپورہ میں مسماۃ آسیہ بی بی سے دریافت کیا جانا ہے۔ آئندہ عدالت مجاز سے اجازت انٹرویو حاصل ہونے پر مذکورہ سے دریافت عمل میں لائی جا کر مقدمہ ہذا الحق کی روشنی میں یکسو کیا جائے گا۔ حاضر آمدہ کو فارغ کر کے میں مصروف دیگر کار سرکار ہوتا ہوں۔ رپورٹ ضمنی مرتب ہوئی ایس پی انوسٹی گیشن شیخوپورہ 06-07-09

سکنہ مالوالی تحصیل برآباد اور ذوجہ مدعیہ نے آج کی باتیں بتلائی آپ کی

بیوی مسماۃ آسیہ بی بی کو نانکانہ کے گاؤں سے مولوی صاحب پکڑ کر لے گئے ہیں۔ میں

گاؤں میں شام کو ایسی دوران اپنی آگیا اور میری بیوی کو پکڑ کر تھانے لے گئی۔ چونکہ اس دن گاؤں

کے لوگ کافی غصہ میں تھے اسلئے میں نہ تھانے گیا اور نہ ہی گھر گیا بلکہ گاؤں سے باہر ہی رہا۔ میں اپنی

بیوی کی پیروی کیلئے نہ گیا۔ میری بیوی بالکل بے گناہ ہے اسے انصاف دیا جائے۔

سوال: مسماۃ آسیہ بی بی سے کتنے عرصہ قبل شادی ہوئی؟

جواب: ۱۶/۱۵ سال قبل۔

سوال: آسیہ بی بی کتنی پڑھی لکھی ہے؟

جواب: ۶/۵ جماعتیں

سوال: کیا مسماۃ آسیہ بی بی عیسائی مذہب کے گرو انجیل کو پڑھاتی ہے؟

جواب: نہیں۔

سوال: کیا آپ گرفتاری کے بعد اپنی بیوی سے ملے ہو؟

جواب: میں تھانہ گیا تھا مگر جیل جا کر ملاقات کی ہے۔ میں نے پوچھا ہے کہ وہ پانی اور جو دوسری عورتوں نے اسکے عیسائی ہونے کی وجہ سے نہ پیا اور پھر قرآن کی باتیں کرنی ہوئیں جو میری بیوی نے کہا کہ ہم قربانی کا گوشت نہیں کھاتے کیونکہ ہمارے گھر کے کچھ افراد کھاتے ہیں۔ دل ماننے کی بات ہے۔

سوال: کیا تمہاری بیوی عیسائی مذہب اور اسلام مذہب سے واقفیت رکھتی ہے؟

جواب: زیادہ واقفیت نہ رکھتی ہے۔

سوال: کیا آپ اپنی بیوی کی صفائی بیگناہی میں قسم بیان دے سکتے ہو؟

جواب: نہیں ہم بائبل کی قسم نہیں دے سکتے۔

سوال: کیا مدعی مقدمہ یا گواہان سے کوئی سابقہ عداوت ہے؟

جواب: عورتوں اور بچوں سے چھوٹی لڑائی ہوئی تھی اسی رنجش کی وجہ سے مقدمہ درج کر کے جھوٹا بنایا گیا ہے۔

سوال: کیا آپکے گاؤں میں ایسی باتیں کوئی الگ ہوا؟

جواب: نہیں۔

15 جو بیانات جارج مسیح ولد اللہ رکھا، شہباز مسیح ولد عاشق مسیح کو کیا عیسائی کمیونٹی سکنہ ... نے فرداً فرداً بیانات پر بتایا کہ میں ۵۷ آزادی کی ... کالسر لوگ ... تھیں کہ ایسی دوران عورتیں اپنے اپنے پیشوں کی باتیں کرتی ہوئی گزر ہیں۔ لیکن جو باتیں مقدمہ ہذا میں گستاخی بیان ہوئی ہیں کی باتیں کوئی مسلم نہ سے کہ آسیہ بی بی نے یہ باتیں

پولیس فارم ۲۵-۵۴ (II)

رپورٹ ضمنی اندرونی

بک نمبر
12920

ضلع ننکانہ

تھانہ صدر ننکانہ

مقدمہ 326/09 مورخہ 19/6/09 بجرم 295/C ت پ تھانہ صدر ننکانہ صاحب

بیان ازاں مختار احمد ولد مشتاق قوم راجپوت سکنہ چک نمبر 3 اٹانوالی

زیر دفعہ 161 ض ف

بیان کیا کہ میں مقدمہ مندرجہ بالا کا مدعی ہوں [illegible] کرتا ہوں مورخہ
6/09 کو بروز اتوار ادریس ولد احمد علی قوم ارائیں سکنہ دیہہ کی زمین
میں آسیہ زوجہ عاشق مسیح جو عیسائی مذہب کی ملازمہ ہے گاؤں
دیگر عورتوں کے ساتھ عاصمہ - معافیہ دختران عبد الستار اور یاسمین
ولد اللہ رکھا ... میں فالسہ توڑ رہی تھیں کہ آسیہ مذکورہ علیہا نے کہا
کہ تم مسلمانوں کے نبی نے معاذ اللہ [illegible] وفات سے صرف
ایک ماہ قبل بیمار پڑ گئے اور بیماری سے ان کے منہ
اور کانوں میں کیڑے پڑ گئے اور تمہارے نبی صلی اللہ علیہ وسلم نے حضرت
خدیجہ سے صرف مال کی خاطر شادی کی اور مال لوٹنے کے بعد انہیں گھر سے
نکال دیا مزید قرآن پاک کے متعلق کہا کہ اللہ کا کلام نہیں بلکہ خود بنائی گئی
کتاب ہے یہ تمام باتیں عاصمہ بی بی - معافیہ یاسمین - قاری محمد سلیم محمد افضل
مذکوران و دیگران نے میری اور [illegible] کی موجودگی میں بتائیں جنہوں نے
روبرو ہمارے آسیہ سے پوچھا تو اس نے کہا کہ مجھ سے واقعی نبی کریم
صلی اللہ علیہ وسلم اور قرآن پاک کی توہین کی غلطی ہوئی ہے اور معافی
مانگتی ہوں بیان سن لیا ہو درست ہے

محمد ارشد ASI تھانہ صدر ننکانہ
19-6-09

بیان ازاں محمد ادریس ولد احمد علی قوم آرائیں سکنہ چک نمبر 3 اٹاں والی!

بیان کیا کہ زمیندارہ کرتا ہوں۔ ڈیڑھ ایکڑ زرعی اراضی کا مالک ہوں۔ بروز وقوعہ آسیہ بی بی زوجہ عاشق مسیح، معافیہ عاصمہ وغیرہ ہمراہ کھیت میں فالسہ توڑ رہی تھیں۔ قریب 9 بجے صبح کا وقت تھا مسماۃ آسیہ بی بی نے کہا کہ آپ نے کھانا کھانا ہے تو میں آپ کو پانی لا کر دیتی ہوں جو مسماۃ معافیہ بی بی وغیرہ نے کہا کہ تم عیسائی عورت ہو ہم تمہارے ہاتھ سے پانی نہیں پئیں گے۔ میں اور میری بیوی مسماۃ تمینہ بی بی کھیت سے باہر درختوں کے سائے میں بیٹھے فالسہ تول رہے تھے کہ اسی اثنا میں اطلاع ملی کہ آسیہ بی بی اور معافیہ بی بی وغیرہ کے مابین جھگڑا ہو گیا ہے۔ میں اور میری بیوی گئے اور مسلمان عورتوں معافیہ وغیرہ سے پوچھا تو عورتوں نے بتلایا کہ مسماۃ آسیہ بی بی نے ہمارے نبی ﷺ کی شان میں گستاخانہ باتیں کی ہیں۔ جو ہم نے آسیہ سے پوچھا کہ آپ نے کیا باتیں کی ہیں تو آسیہ بی بی نے ہمارے سامنے اقرار کیا کہ ہاں میں نے باتیں کی ہیں۔ میری بیوی نے کہا کہ تم نے ہمارے نبی ﷺ کی شان میں گستاخی کی ہے ہمارے کھیت سے دفع ہو جاؤ اور دوسری عورتوں کو بھی سمجھا کر خاموش کروا دیا۔ ہم شام کو گھر پہنچے تو عاصمہ بی بی وغیرہ نے قاری سالم صاحب کو یہ بات بتا دی تھی۔ شام کو قاری صاحب نے ہم سے بھی دریافت کی جو ہم نے معافیہ وغیرہ کی تائید کی۔ وقوعہ کے 2/3 دن بعد گاؤں میں حاجی علی احمد کے ڈیرہ پر اسی بات پر اکٹھ ہوا جہاں کافی تعداد میں لوگ جمع ہوئے اور عالم دین بھی آ گئے۔ جو سب لوگوں کی موجودگی میں مسماۃ آسیہ بی بی نے نبی ﷺ کی شان میں گستاخانہ باتیں کرنے کا اقرار کیا اور بتلایا کہ اس نے کہا تھا کہ (نعوذ باللہ) آپ کے نبی بیمار ہو کر تین ماہ چارپائی پر پڑے رہے اور انہیں کیڑے پڑے۔ آپ کے نبی چوریاں کیوں کرتے تھے۔ اور معافی بھی طلب کی کہ اس سے غلطی ہو گئی ہے۔ اس وقت عالم دین نے فیصلہ کیا اور آسیہ بی بی کو پولیس کے حوالے کر دیا جو مسماۃ آسیہ بی بی نے گواہ صاحب کے سامنے بھی اقرار (اقبال جرم) کیا جس پر مقدمہ درج ہوا اور آسیہ بی بی گرفتار ہوئی۔

سوال! کیا مسماۃ آسیہ بی بی اور معافیہ بی بی کی پہلے بھی کبھی لڑائی ہوئی تھی؟

جواب! نہیں۔

سوال! کیا کبھی پہلے بھی دونوں میں اس معاملہ پر بحث ہوئی؟

جواب! نہیں۔

سوال! کیا آسیہ بی بی عیسائی مذہب کی معلمہ ہے؟

جواب! نہیں ہے نہ عالم پڑھی ہوئی اور شاید ہی پڑھی ہیں۔ لیکن بچوں کو نہیں پڑھاتی۔

بیان سن لیا درست ہے۔

محمد ادریس

محمد ادریس ولد احمد علی

06-07-09

بیان ازاں مسماۃ ثمینہ بی بی زوجہ محمد ادریس قوم آرائیں سکنہ اِٹانوالی

بیان کیا کہ میں خانہ داری کرتی ہوں اور اپنے خاوند کے ساتھ کھیتی باڑی میں بھی ہاتھ بٹاتی ہوں۔ بروز وقوعہ میں مع اپنے ملازم کھولو اپنے کھیت سے باہر درختوں کے سائے میں بیٹھے ہوئے تھے کہ میں چیک کرنے کیلئے کھیت میں گئی تو دیکھا کہ آسیہ مسیح اور عاصمہ، مافیہ و ہمیرہ وغیرہ آپس میں بحث کر رہی تھیں۔ میں نے پوچھا کہ آپ بحث کیوں کر رہی ہو تو مافیہ بی بی وغیرہ نے بتلایا کہ آج آسیہ بی بی نے ہمارے نبی پاک کی شان میں گستاخی کی ہے۔ میں نے آسیہ بی بی سے پوچھا تو اس نے اقرار کیا کہ میں نے کہا ہے کہ آپ کے نبی (نعوذ باللہ) بیمار ہو کر بستر پر مرے تھے اور جب بیمار رہے تو اُن کے کیڑے پڑے تھے۔ میں نے کہا کہ تم نے جو کہا ہے بہت برا کیا ہے۔ لہٰذا مجھے فالسہ سے زیادہ اپنے پیارے نبی ﷺ عزیز ہیں ہمارے کھیت سے دفعہ ہو جاؤ۔ جو آسیہ بی بی چلی گئی۔ پانچ دن بعد قاری سالم نے بلا کر پوچھا کہ یہ باتیں آپکے کھیت میں واقع ہوئی ہیں تو میں نے کہا کہ ہاں یہ بات سچ ہے۔ بعد ازاں گاؤں میں اکٹھ ہوا تو آسیہ بی بی خود ہی ہمارے فالسہ میں چلی گئی میں نے کہا کہ تم کیوں آ گئی ہو تو اُس نے کہا کہ میری جان بچائیں اسی دوران قاری سالم آ گئے اور اُسے گاؤں بھیج کر پولیس کے حوالے کر دیا جس پر مقدمہ ہذا درج ہوا۔ آسیہ بی بی نے ہمارے نبی ﷺ کی شان میں گستاخانہ باتیں کر کے ہمارا دل دکھایا ہے اُسے قرار واقعی سزا دی جائے۔

سوال! کیا قبل ازیں بھی عورتیں آپس میں بحث کرتی رہی ہیں؟

جواب! نہیں۔

سوال! پانی لانے کی کیا بات ہوئی تھی؟

جواب! میں نے نہیں سنی ہے اور نہ ہی بحث سنی تھی، مافیہ وغیرہ نے بتایا اور آسیہ نے اقرار جرم کیا ہے۔

بیان سن کر درست ہے

ثمینہ بی بی

04-07-09

IN THE COURT OF MUHAMMAD NAVEED IQBAL,
ADDL. SESSIONS JUDGE, NANKANA SAHIB.

SESSIONS CASE NO.402 OF 2009.

SESSIONS TRIAL NO. OF 2009.

The State Vs. Mst. Asia Bibi wife of Ashiq, Caste Christian, Resident of Ittanwali Chak No.3, PS Sadar Nankana Sahib.

Case FIR NO.326/2009.
Under Sec.295-C, P.P.C.
PS Sadar Nankana Sahib.

JUDGMENT.

Above mentioned accused Mst. Asia Bibi has been challaned by the police of Police Station Sadar Nankana Sahib to face trial in Case FIR No.326 (Exh.PA/1)recorded on 19.6.2009 under section 295-C on the complaint of Qari Muhammad Saalam (PW-1) for the allegation of delivering derogatory/objectionable remarks towards the Holy Prophet (PBUH) and Holy Quran.

2. The brief facts of the case according to the FIR Exh.PA/1 lodged by Qari Muhammad Saalam that on 14.6.2009, the complainant of this case are that Mst. Asia Bibi wife of Ashiq Masih who is a Christian lady and a Christian preacher alongwith the other ladies (PW's) of the village were plucking Falsa (فالسہ) from the garden belonging to one Muhammad Idrees son of Ali

Ahmed. The said accused Mst. Asia Bibi delivered the derogatory remarks towards the Holy Prophet (PBUH) by stating that the Holy Prophet of the Muslims fell ill one month prior to his death and Toba Naooz Billa (توبہ نعوذ باللہ), the insects nourished in his mouth and ear. She further stated that the Holy Prophet (PBUH) married with Hazrat Khadeja Razi Allah Anha (رضی اللہ عنہا) just for her wealth and after that the same was looted by him. She was discarded by him. She further stated about the Holy Quran that the Holy Quran is not the book of Almighty Allah but it is a self/man made book. Mst. Afia Bibi, Mst. Mafia Bibi and Mst. Yasmeen Bibi etc. told all these to the complainant and the other people of the village.

3. On 19.6.2009, the lady accused Mst. Asia Bibi was called by the inhabitants of the village and asked about the occurrence wherein she confessed her guilt and she requested for the apology. So, the accused Mst. Asia Bibi has committed the blasphemy and has also extended the derogatory and sarcastic remarks towards the Holy Book.

4. Muhammad Rizwan SI (PW-5) had recorded the formal FIR Exh.PA/1 without any addition or omission and thereafter he sent the copy of the FIR to Arshad Dogar SI, the IO for the purpose of further proceeding.

5. Muhammad Amin Bukhari SP (Investigation) Sheikhupura had conducted the investigation of this case who deposed on oath that on 24th June, 2009, he was posted as SP (Investigation) Sheikhupura. On the same day, vide letter No.18523 dated 26.6.2009 issued by DIG/RPO Range, Sheikhupura, the investigation of this case was entrusted to him as the office of SP (Investigation) Nankana Sahib was vacant. On 29.6.2009, he summoned both the parties at his office. 27 people from the complainant party and 5 persons from the accused party appeared

before him. Five persons from the complainant side recorded their statements u/s 161 Cr.P.C. before him. He investigated the case thoroughly. After obtaining the permission from the concerned court Exh.PB, he recorded the statement of the accused Mst. Asia Bibi in the jail on 06.7.2009. During his investigation, it revealed upon him that in the Falsa (فالسہ) field owned by Muhammad Idrees, the ladies of the village including the accused and the PWs were present there who started to discuss prophets and religious etc. The accused Mst. Asia Bibi who is a Christian delivered derogatory remarks before the other ladies which come under the definition of blasphemy. The owner of the said field namely Idrees (whose statement u/s 161 Cr.P.C. separately recorded by him) also attracted towards the said ladies, before him, the PWs (ladies) narrated the matter who inquired from the accused Mst. Asia Bibi about her narration upon which she confessed that she had delivered the derogatory remarks, however, she begged pardon. After his investigation and probe, he declared the accused Mst. Asia Bibi as guilty of blasphemy on 06.7.2009 and uttering the derogatory remarks about the Holy Prophet (PBUH) and the Holy Quran. During the investigation, he came into his knowledge that the accused Mst. Asia Bibi stated to the PWs that Hazrat Muhammad (PBUH) fell ill on the bed one month prior to his death and Naooz Billa (نعوذ باللہ), the insects were delivered/created in his mouth and ear. The accused further stated that Hazrat Muhammad (PBUH) contracted marriage with Hazrat Khadeja Razi Allah Anha in order to loot and accumulate her wealth and after looting the same, he discarded Hazrat Khadeja Razi Allah Anha. The accused further stated that Hazrat Muhammad (PBUH) was in the habit of theft. The accused further told that the Holy Quran is not a divine book but it is man made. During the investigation, it also came into his knowledge that on

Addl: District & Sessions Judge Nankana Sahib

the day of occurrence, the religious discussion was exchanged between the accused Mst. Asia Bibi and the PWs, in which the accused Mst. Asia Bibi delivered derogatory and sarcastic remarks towards the Holy Prophet (PBUH) and Holy Quran. It also came into his knowledge that during the investigation, the accused Mst. Asia Bibi took the stance that the PWs had leveled the allegation against her as they tried to make her Muslim and on her refusal, the allegation was made but the same stance taken by the accused Mst. Asia Bibi was not proved. Further more, it came into his knowledge that the religious discussion was started when one of the PW (Muslim lady) asked for the water and in response, the accused Mst. Asia Bibi was presented the water, the said PW refused to have/drink it from the hand of a Christian lady.

After conducting the investigation and declaring the accused Mst. Asia Bibi as guilty, he sent back the file of this case to the SHO PS concerned.

6. Muhammad Arshad SI-IO had also conducted the investigation of this case who deposed on oath that on 19.6.2009, he was posted at PS Sadar Nankana Sahib. The MHC of the PS informed him that at village Ittanwali, a religious quarrel had taken place and he had to rush there. He went there after receiving the copy of FIR and having apprised that the investigation of this case was entrusted to him. He inspected the place of occurrence and recorded the statements of the PWs under section 161 Cr.P.C. and prepared rough site plan Exh.PC. He arrested the accused with the help of two lady constables who were in his accompany. He presented the accused person before the Judicial Magistrate and then sent her to judicial lockup. He also submitted an application for the medical examination of the accused who (accused) refused to be medically examined. The application is Exh.PD. After that,

the investigation of this case was entrusted to Muhammad Amin SP (Investigation) Sheikhupura.

7. A charge under section 295-C, PPC was framed against the accused on 13.10.2009, for which he pleaded not guilty and demanded her trial where after in support of its case, following witnesses were produced by the prosecution.

PW-1 Qari Muhammad Saalam is the complainant of this case.

PW-2 Mst. Mafia Bibi is an eye witness of this case.

PW-3 Mst.Asma Bibi is also an eye witness of this case.

PW-4 Muhammad Afzal is the witness of extra judicial confession made by the accused before him.

PW-5 Muhammad Rizwan SI had chalked out the formal FIR of the instant case.

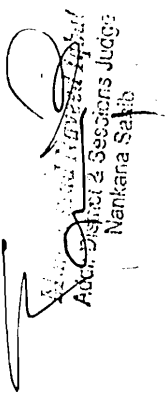
PW-6 Muhammad Amin Bukhari SP (Investigation) Sheikhupura had conducted the investigation of this case.

PW-7 Muhammad Arshad SI-IO had also conducted the investigation of this case.

CW-1 Muhammad Idrees is the owner of the said field where the occurrence took place.

8. PWs Mst.Yasmeen Bibi and Mukhtar Ahmed were given up being un-necessary by the learned ADPP for the State and after that the learned counsel for the complainant had closed the prosecution evidence/case.

9. In her statement recorded under section 342 Cr.P.C, the version of the accused was as under :-

> " I am married woman having two daughters. My husband is a poor labourer. I used to pluck Falsa from the plants of Muhammad Idrees alongwith number of

ladies of the daily wages basis. On the alleged day of occurrence, I along with number of ladies were working in the fields. Both the ladies Mst. Mafia Bibi and Mst.Asma Bibi PWs quarreled with me over fetching water which was offered by me to bring for them but they refused saying that since I am Christian, so, they never took water from the hand of Christian. Over this, quarrel was insued and some hot towards were exchanged between myself and the PWs ladies. The PWs then approached Qari Saalam complainant through his wife who remained teaching the both ladies. Hence, the PWs were conspiring with Qari Saalam got a false, fabricated, and fictitious Case against me. I offered my oath to police on Bible that I had never passed such derogatory and shameful remarks against the Holy Prophet (PBUH) and the Holy Quran. I have great respect and honour to the Holy Prophet (PBUH) as well as Holy Quran and since police had conspired with the complainant, so, the police has falsely booked me in this case. The PWs are real sisters and interested to falsely involve me in this case as they both felt disgrace and dishonour on the basis of altercation and hard words extended to them. Qari Saalam complainant is also interested person and both the ladies remained teaching Holy Quran from his wife. My forefathers are living in this village since creation of Pakistan. I am also about 40 years old and since the alleged occurrence, no complaint likewise this never exist against me. I am uneducated and no priest of Christian. So much so, there is no church of the

Christian in the village, so, being ignorant of any Islamic thought, how can I use such clumsy and derogatory remarks against the beloved Prophet (PBUH) of Allah and the Divine Book viz Holy Quran. PW Idrees is also a interested witness who has close family links with their above said ladies''.

10. Neither the accused opted to produce defence evidence nor to appear under section 340 (2) Cr.P.C.

11. The learned counsel for the complainant argued that the lady accused Mst. Asia Bibi has committed the blasphemy an offence u/s 295-C, PPC and has uttered derogatory remarks towards the Holy Book and has committed the offence u/s 295-B, PPC. He further argued that the prosecution has proved its case beyond the reasonable doubt with the help of eye witnesses. before whom, the accused lady uttered derogatory and sarcastic remarks while plucking the Falsa in the Falsa Garden. He further pressed into service that the matter was investigated by SP (Investigation) Sheikhupura who after thorough investigation and probe declared Mst. Asia Bibi accused as guilty. Thus, the PW-6 has cemented the version of prosecution by declaring the present accused as guilty without any doubt. He also postulates that all the PWs are unanimous in time, date, place and words etc. That there is no contractions in between any of the PWs. He further argued that an assembly was baptized in the village wherein the accused person was called and she also confessed her guilt and requested for pardon. He also opined that there are so many Christians living in the same village along with Muslims since generation but not a single incident of such nature took place in the past. Both the nations i.e. Christians and Muslims are in tolerance towards the religious feelings and faith of each other. Had any incident of blasphemy been happened or occurred in the past, there should

have been criminal cases or religious altercation in the village are living in a same village with a quite harmony irrespective of their religious differences of faiths and emotions. It was a unique and maiden incident in the history of the village that a Christian lady did the offence of blasphemy, so, there was no need on the part of complainant and the PWs to report the matter to the police. They should had not listened the same. He further established that full vigor that there is no any previous enmity in between the complainant, PWs and of the family of lady accused which indicates that there is no malafide or ulterior motive on the part of the complainant and PWs towards the lady accused. He further states that nothing has been produced by the lady accused in his defence which also fortified the guilt of the accused. He summed up his stance after submitting that both the PWs i.e. PW-2 and PW-3 are unmarried and major girls and are also the Parda Nasheen (پردہ نشین). They should not been put themselves in the witness box while coming in the court Kachery, if the incident had not been occurred or both the PWs had not listened the sarcastic remarks of blasphemy. So, the learned counsel emphasized that the lady accused be punished with full-fledged dose prescribed for the offence in the law which is the death sentence.

12. On the other hand, the learned defence counsel argued that firstly it is mandatory to seek permission by Provincial or Federal Government prior to the registration of this case and the same has not been obtained before the lodging of the FIR, secondly he agitated on the score that no IO of the rank of SP can investigate the case of blasphemy but only ASI has investigated the case. That all the PWs are interested witnesses. They have not witnessed or listened the blasphemy. Both the girls and the complainant himself are the interested witnesses. He further stated that an altercation took place on 14.6.2009 in the Falsa Garden in between the PWs

and the lady accused on fetching the water and it is pertinent to mention here that the Muslim ladies refused to drink water at the hand of lady accused who is a Christian and just to satisfy the grudge and just to teach the lesson to the Christian lady, PWs and the complainant has concocted the story of blasphemy just to book the lady accused in a criminal case and to get her punished under a heavy weight charge. Even otherwise, no occurrence took place and no derogatory remarks and sarcastic remarks have been uttered from the mouth of the accused towards the Holy prophet and holy Book. He further stressed that this is a fanciful drama against the Christian minority staged by the Muslim Majority and the drama has been planted at a crucial time when so many such like incidents have been happened in our beloved country of such nature.

He further pressed into service that there is a sheer contradiction in between the statements of all the PWs on the score of number of the people gathered in the public gathering where the lady accused was also summoned and where she made so called extra judicial confession. PW-1 narrated the number of people gathered there as 100/- while PW-2 opined it as 1000/- and PW-3 has declared it as 2000/-.

The learned counsel stressed that the occurrence took place on 14.6.2009 while the FIR was lodged on 19.6.2009 after five days of the occurrence. So, the lodging of the FIR and the roping of the lady accused is the vivid result of the consultation and deliberation. The learned defence counsel closed his arguments by stating that the prosecution miserably fail to stand on its own legs and to prove the guilt of the lady accused with unshakeable and confidence inspiring evidence, hence, as there is no previous record of such cases on the part of the accused, she be acquitted from the charge.

13. I have heard the arguments advanced by the learned counsel for both the parties and have also perused the record.

14. Learned defence counsel while arguing raised tow major objections.

I) That the investigation was not conducted by any SP rank Officer but was rather conducted by only a Sub-Inspector and

II) That no permission was seeked by the Provincial or Central Government prior to the registration of the instant case which was mandatory.

15. So far as the first objection is concerned, the case was factually investigated by Mr. Muhammad Amin Bukhari, SP (Investigation) Sheikhupura. He while appearing in the witness-box as PW-6 stated that the investigation of the case was entrusted to him vide letter No.18523 dated 26.6.2009 issued by DIG/RPO Sheikhupura and he investigated the case thoroughly and recorded the statements under section 161 Cr.P.C. So, there is no force in this objection and the answer of the second objection is that from the very beginning of the trial till the close of the evidence, the learned counsel did not raise any objection orally or in black and white form.

16. Even otherwise, the compliance to Section 196 Cr.P.C. is to be given in case of an offence u/s 295-A, PPC but section 295-C, PPC was not present therein, so, to read section 295-C as part of section 196 Cr.P.C. would amount to interfere in spirit of legislation. Wisdom of legislature in this regard could not be challenged.

17. Prosecution produced both the ladies who are the eye witnesses of the occurrence and before whom the derogatory

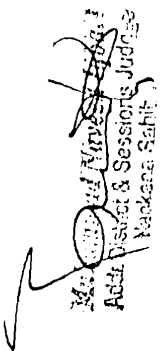
remarks/ (Blasphemy) were made/uttered. PW-2 and PW-3, Mst. Mafia Bibi and Mst. Asma Bibi while appearing in the witness box narrated all they listened. PW-2 Mst. Mafia Bibi has deposed on oath that on 14.6.2009 Sunday, she along with Mst. Asma Bibi, Mst. Yasmeen Bibi and accused Mst. Asia Bibi was present in the field of Falsa in the village. The accused Mst. Asia Bibi is Christian by religion. The accused Mst. Asia Bibi present in the court stated before him and others that Hazrat Muhammad (PBUH) fell ill on the bed one month prior to his death and Naooz Billah ( ), the insects were developed/created in his mouth and ear. The accused further stated that Hazrat Muhammad (PBUH) contracted marriage with Hazrat Khadeja Raz: Allah Anha just in order to loot her wealth and after looting the same, the Holy Prophet discarded Hazrat Khadeja Razi Allah Anha. She further told that the Holy Quran is not a divine book but it has been written/compiled by you, Muslims. The PW narrated all this to Qari Saalam, Muhammad Afzal and Mukhtar Ahmed etc. who called a public gathering in the village where the accused Mst. Asia Bibi was also brought and she confessed her guilt in the public gathering and she also requested the pardon.

18. PW-3 Mst. Asma Bibi has deposed on oath that on 14.6.2009, she along with Mst. Mafia Bibi, Mst. Yasmeen Bibi and accused Mst. Asia Bibi was present in the field of Falsa and was plucking the Falsa. The accused Mst. Asia Bibi is Christian by religion. During the plucking of Falsa, the accused Mst. Asia Bibi narrated before her and others that Hazrat Muhammad (PBUH) fell ill on the bed one mouth prior to his death and the insects were hatched from his mouth and ear. She further declared that Hazrat Muhammad (PBUH) contracted the marriage with Hazrat Khadeja Razi Allah Anha in order to loot her wealth and after looting the same, she has discarded by the Holy Prophet (PBUH). She further

Muhammad Naveed Iqbal
Addl: District & Sessions Judge
Nankana Sahib

mentioned that the Holy Quran is not a divine and Holy Book but it is man made book. She along with other PWs informed the matter to Qari Saalam, the complainant. Muhammad Afzal and Mukhtar were also present there. They managed a public gathering in the village where the accused Mst. Asia Bibi was also brought and she confessed her guilt there and she also requested for the pardon. The statement of PW was recorded before the IO under section 161 Cr.P.C.

19. PW-1 Qari Saalam is the complainant himself. He did not actually listen the derogatory remarks directly but through the PW-2 and PW-3, so, the status of his testimony is of " Hearsay ".

20. PW-4 is Muhammad Afzal son of Muhammad Tufail. He is the PW of extra judicial confession. He stated in witness box that he was very much present in the pubic gathering held after the incident wherein the accused Mst. Asia Bibi was brought and she confessed her guilt and requested for the pardon.

21. CW-1 was an important witness namely Muhammad Idrees son of Haji Ahmed Din, the owner of the Falsa Garden while appearing in the witness-box, he established as on 14.6.2009, he was present in his house. Mst. Mafia Bibi, Mst.Asma Bibi, Mst. Yasmeen Bibi along with Qari Saalam and Mukhtar Ahmed came to him and narrated him about the occurrence in connection with the derogatory and objectionable remarks and blasphemy towards the Holy Prophet (PBUH) and Holy Quran uttered by the present accused Mst. Asia Bibi. On 19.6.2009, a public gathering was held in the house of Mukhtar Ahmed and he was also present in the public gathering. The accused Mst. Asia Bibi who was a Christian, was brought there who confessed her guilt before him as " she has committed the blasphemy and has delivered the improper and derogatory remarks about the Holy Quran , let her pardon ". His statement was also recorded before the IO.

22. He emphasized that Mst. Asia Bibi confessed her guilt before him immediately after her delivering the derogatory remarks towards the Holy Prophet (PBUH) and the Holy Book, as when the occurrence took place, he (CW-1) was the very first (male) person being the owner of the field who immediately attracted towards the wrangling ladies as he was present there in his field.

23. His presence there at the place of occurrence is quite natural. The owners usually remain at the place of their business in our society and particularly the owners of the fruit gardens in order to have a vigilant watch upon their labour and in order to avoid any theft on the hand of the labourers and particularly when lady folk is on work. He has also no enmity with lady labour (accused) and she is doing the job under his employment since a long. He also banished the accused from his Falsa field upon her confession and the same was also quite natural response on his part. So, his testimony is quite trustworthy and natural. No dent was also created by the defence during the cross-examination.

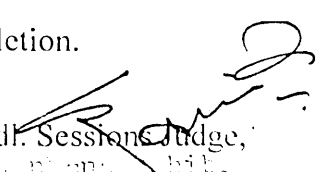
24. So, PW-2 and PW-3, the eye witnesses are quite unanimous about the derogatory remarks and about the time, date, field, day of the occurrence, they did not make any dishonest improvement in their statement. Both the PWs ladies did not involve any other person in this case except the accused lady. There is no any previous enmity in between the PWs 2 and 3 (ladies) and the lady accused. There is also no any enmity in between the PW-1, PW-4, CW-1 and the accused lady due to which they deposed against her or against any other male member of the accused lady.

25. PW-2 and PW-3 are the young girls who are also unmarried. Their presence in the Falsa field along with the accused lady is quite natural as they used to work there as labourer and Falsa pluckers. They are not the interested and chance witnesses.

26. In our society, normally, the ladies avoid to indulge in criminal cases even as complainant or witnesses particularly the parents of the unmarried and young girls never allow their daughters to go to the police stations or to appear before the Police Officers or in courts in order to record their statements or to face the ridiculous questions of the advocates. But in the instant case, the ladies (PW-2 and PW-3) took all the steps as they could not bear the blasphemy. Mst. Yasmeen Bibi another lady who was PW constantly appeared in the court but was given up being un-necessary.

27. There is also another important aspect of the case as Mst.Asia Bibi, the accused lady in her statement u/s 342 Cr.P.C. in answer to Question No.7 why this case against you, herself admitted her guilt when she postulates as

> " I along with number of ladies were working in the field. Both the ladies Mst. Mafia Bibi and Mst. Asma Bibi PWs quarreled with me over fetching water which was offered by me to bring for them but they refused saying that since, I am Christian, so, they never took water from the hand of Christian. Over this, quarrel was insued and some hot words were exchanged between myself and the PWs ladies ".

28. So, the question arises, what type or nature of the Hot Words would be there in between the Christian and Muslim ladies when the quarrel started from the refusal of drinking water by the Muslims ladies from the hands of a Christian lady, So, the phenomena was ultimately switched into religious matter and Hot Words should had not been other than the blasphemy.

29. It is also not out of place to mention here that there are so many Christians living in the same village along with Muslims since generation but not a single incident of such nature took place

in the past. Nevertheless, both the Christians and Muslims are in tolerance towards the religious feelings and faith of each other. Had any incident of blasphemy or derogatory remarks been happened or occurred in the past by any inhabitant of the village, there should have been criminal cases or religious altercation in the village. So, at present, there should have been the blasphemy, due to which the case was registered and the public gathering was gathered and the incident became the talk of town and of around.

30. It is also pertinent to mention here that neither the accused lady produced her defence evidence nor she gave compliance to section 340 (2) Cr.P.C. in disproof of the allegations leveled against her.'

31. The crux of the above discussion is that the prosecution has proved its case beyond any shadow of doubt. All the PWs have corroborated the prosecution version in a cogent and convincing manner. No enmity has been found in between the PWs and the accused lady and in between the elders or families of the both. So, the chances of false implication of the accused in the instant case are totally ruled out. No mitigating circumstances are available in the instant case to the accused lady . Hence, I convict the accused Mst. Asia Bibi wife of Ashiq u/s 295-C, PPC and sentenced to death penalty. The accused be hanged from the neck till her death. However, the death sentence shall not be executed unless confirmed by the Hon'ble Lahore High Court, Lahore. The convict is present before the court in custody who is informed that she can file an appeal against this judgment within seven days. She is also ordered to pay Rs.1,00,000/- as fine and in default whereof, she will further undergo S.I. for a period of six months. Copy of this judgment shall be supplied to the convict free of cost. File be consigned to the record room after its due completion.

Announced.
08.11.2010.

Addl. Sessions Judge,

IN THE COURT OF MUHAMMAD NAVEED IQBAL, ADDL.SESSIONS JUDGE, NANKANA SAHIB.

Sessions Case No.402 of 2009.

Sessions Trial No. of 2009.

The State Vs. Mst.Asia Bibi

Case FIR No.326/2009.
U/S 295-C, P.P.C.
PS Sadar Nankana Sahib.

ORDER SHEET.

13.10.2009.
Present :-Accused Mst.Asia Bibi under custody. DDPP for the State.

From the bare perusal of the record i.e. the FIR, the statements of the witnesses recorded u/s 161 Cr.P.C. and the other material available on record, it is evident that sufficient material exists upon the record to proceed with the trial against the accused. So, the charge be formulated against the accused.

Announced.
13.10.2009.

Addl. Sessions Judge,
Nankana Sahib.

Presence :-As before.

Charge sheet has been formulated against the accused for the offence u/s 295-C, PPC, PS Sadar Nankana Sahib, to which charge, she pleaded not guilty and claimed to be tried. Let all the witnesses be summoned for recording their evidence on 27.10.2009.

Announced.
13.10.2009.

Addl. Sessions Judge,
Nankana Sahib.

27.10.2009.
Presence :-As before.

No [illegible] in attendance. [illegible] all the [illegible] be summoned through bailable warrant [illegible] to the tune [illegible],000/- each for recording their evidence on [illegible].11.2009.

Announced.
27.10.2009.

Addl. Sessions Judge,
Nankana Sahib.

10.11.2009.
Present :-Accused Mst.Asia Bibi in custody of police.
DDPP for the State.

The learned Presiding Officer is on casual leave. As per previous order, the case is adjourned for prosecution evidence on 17.11.2009. PWs Afzal, Mukhtar, Asma Bibi, Mafia Bibi and Yasmin are present.

Announced.
10.11.2009.

D/ Addl.Sessions Judge,
Nankana Sahib.

17.11.2009.
Presence :-As before.Complainant in person.

PWs Muhammad Afzal, Mukhtar Ahmed, Asma Bibi, Mafia Bibi and Yasmin Bibi are in attendance but the advocates are on strike, hence, the evidence of PWs present in the court could not be recorded, hence, as per request, the case is adjourned for prosecution evidence on 08.12.2009. PWs present in the court are hereby held bound down for the said date. PW Muhammad Rizwan ASI PS Sadar Nankana Sahib be also summoned for the said date.

نوٹس

Announced.
17.11.2009.

Addl.Sessions Judge,
Nankana Sahib.

2005 YLR 985
PLD 1992 L 941

08.12.2009.
Presence :-As before.

All the private PWs are in attendance but today the advocates are on strike, hence, their evidence could not be recorded. Hence, they are bound down for the next date of hearing. Now to come up for prosecution evidence on 15.12.2009.

Announced.
08.12.2009.

Addl.Sessions Judge,
Nankana Sahib.

15.12.2009.
Presence:-As before.

The complainant and PW Mukhtar Ahmed are present but the advocates are on strike, hence, they are bound down. The case is adjourned for prosecution evidence on 05.01.2010.

Announced.
15.12.2009.

Addl.Sessions Judge,
Nankana Sahib.

05.01.2010.
Presence :-As before.Complainant in person.

The learned Presiding Officer is on casual leave, hence, as per previous order, the case is adjourned to 13.1.2010 for prosecution evidence.

Announced.
05.01.2010.

D/ Addl.Sessions Judge,NNS.

THE STATE VS. MST. ASIA BIBI

CASE FIR NO.326/2009.
U/S 295-C, PPC.
PS SADAR NANKANA SAHIB.

CHARGE SHEET.

I, Mr. Muhammad Naveed Iqbal, Addl. Sessions Judge, Nankana Sahib do hereby charge you accused

Mst.Asia Bibi wife of Ashiq, Caste Christian, resident of Ittanwali Chak No.3, PS Sadar Nankana Sahib

as under :-

That on 14.6.2009 in the area of village Ittanwali falling within the territorial jurisdiction of PS Sadar Nankana Sahib you passed derogatory and sarcastic remarks about the Holy Prophet and the Holy Book (The Quran) before the ladies of the locality and for confirmation when you were called by the complainant and others, you also admitted your delivered remarks before them. Thus, you have committed an offence of blasphemy punishable u/s 295-C, PPC which is within the cognizance of this court.

And I hereby direct that you accused be tried by this court on the above said charge.

03.10.2009.

Addl. Sessions Judge,
Nankana Sahib.

It is certified that the above said charge has been read over and explained to the accused in his own language which she understands.

03.10.2009.

Addl. Sessions Judge,
Nankana Sahib.

The State Vs. Mst.Asia Bibi

Statement of the accused.Mst.Asia Bibi.
Without Oath.

Q. Have you heard and understood the charge ?

Ans.Yes.

Q. Do you plead guilty ?

Ans.No.

Q. Will you produce any defense evidence ?

R.T.I.

Ans.Yes. If necessary.

مسماۃ آسیہ بی بی

RO & AC.
1[illegible].10.2009.

Addl.Sessions Judge,
Nankana Sahib.

however, she confessed her guilt before me in the Panchait. I was not present in the Falsa (فالسہ) field where the occurrence took place. It is incorrect to suggest that I did not present the application Exh.PA while appearing in the police station. It is incorrect to suggest that I give ExhPA to Mehdi Hassan ASI at the bridge Nehar Chandar Kot. Only one public gathering took place on 19.6.2009 after the incident which took place on 14.6.2009. The application Exh.PA is not in my hand but however it bears my signature. The author of Exh.PA is an advocate but I do not remember his name. It is correct that in Exh.PA, there is no mentioning on public gathering on 19.6.2009. The public meeting was held in the house of Muhammad Mukhtar. Asma Bibi narrated the occurrence firstly to me, and then Mafia Bibi and then Yasmeen Bibi narrated the same. On two motorcycles, the residents of the village went to the house of accused Asia Bibi and brought her in the public gathering with them. I know that Mudassar was one of those people who brought the accused in the public gathering. The house of Mukhtar Ahmed where the public gathering as organized consist on 5 Marlas. Around about 100/- people were gathered in the said house. The accused Asia Bibi was alone without any of her relative. I do not say that whether she had apprehension of beating when she came in the gathering. The accused Asia Bibi made her confession in the public gathering with her own will and without any coercion in the public gathering. It is not correct that on the day of occurrence, the accused Asia Bibi was tried to be beaten by the inhabitants of the village. It is correct that the inhabitants of the village respect me due to my position/status as Imam Masjid generally. In the present days, I did not call any person but however, the people of the village gathered with their own whim. I was informed about the occurrence on 16.6.2009. In between 16.6.2009 to 19.6.2009, I and the people of the village investigated and consulted and peeped into the matter and when we became satisfied, then we reported the matter to the police for the lodging of the FIR. I do not know whether the ladies who informed are literate or illiterate , however, Asma Bibi is used to study the Holy Quran from my wife. It is not correct that the derogatory remarks which were narrated to me could only be tell by an educated person and not by any lay person. After the registration of the case, we joined the

PW-1. Muhammad Saalam son of Hafiz Ghulam Jelani, Caste Awan, aged 30 years, Imam Masjid, resident of Chak No.3 Ittanwali, Tehsil and Distt. Nankana Sahib.

On Oath.

On 14.6.2009, I was present in my village. Asma Bibi, Mafia Bibi and Yasmeen Bibi came to me and informed me that they were plucking Falsa (فالسہ) along with Mst. Asia Bibi accused and Mst. Asia Bibi accused has delivered derogatory remarks towards the Holy Prophet Hazrat Muhammad (peace be upon him) in front of them by stating that the Holy Prophet Hazrat Muhammad (peace be upon him) felt ill on bed for one month before his death and the insects were emerged from his mouth and ear and that Hazrat Muhammad (peace be upon him) got married with Hazrat Khadeja (Razi Allah Anha) with the intention in order to loot her wealth and after looting her wealth, he (PBUH) discarded Hazrat Khadeja (Razi Allah Anha). The ladies (PWs) further narrated that the accused Asia Bibi also passed objectionable remarks towards the Holy Quran by stating that the Holy Quran is not the book of God and it is not Divine book but this is self made book. At the time of the above said narration of the ladies, Muhammad Afzal and Muhammad Mukhtar Ahmed were also present with me with the other inhabitants of the village. On 19.6.2009, a public gathering was called in the village in which Mst. Asia Bibi accused was also summoned where she admitted that she has committed blasphemy and has also delivered derogatory/objectionable remarks towards the Holy Quran, and she seeked pardon but as our sentiments and emotions were injured, so, we got registered the case against the accused Mst. Asia Bibi by delivering an application Exh.PA to the SHO concerned which was duly signed by me.

XXXXX By the defence counsel.

No permission was obtained by DCO or DPO etc. for the lodging of the FIR against the accused. The objectionable and sarcastic remarks delivered by the accused were not directly listened to me, but

investigation in the PS Sadar Nankana sahib and then we also appeared before a police officer Amin Shah at Sheikhupura. It is incorrect to suggest that the story of FIR Exh.PA was not mentioned to me by the said ladies (PWs) but I myself concocted it. It is further incorrect to suggest that the accused Asia Bibi did not appear before the gathering in the house of Mukhtar Ahmed. It is incorrect to suggest that I got registered the case just in order to pacify the feelings of the Muslims. Accused Asia Bibi was not arrested before me.

RO & AC.
01.6.2010.

Addl. Sessions Judge,
Nankana sahib.

The State Vs. Mst. Asia Bibi

PW-2. Mafia Bibi daughter of Abdul Sattar, Caste Mochi, aged about 22 years, House-hold, resident of Chak No.3 Ittanwali, PS Sadar Nankana Sahib.

On Oath.

On 14.6.2009, Sunday, I along with Asma Bibi, Yasmeen Bibi and accused Asia Bibi was present in the field of Falsa (فالسہ) in the village. The accused Asia Bibi is Christian by religion. The accused Asia Bibi present in the court stated before me and others that Hazrat Muhammad PBUH fell ill on the bed one month prior to his death and Naooz Billah (نعوذ باللہ), the insects were developed/created in his mouth and ear. The accused further stated that Hazrat Muhammad PBUH contracted marriage with Hazrat Khadeja Razi Allah Anha just in order to loot her wealth and after looting the same, the Holy Prophet discarded Hazrat Khadeja Razi Allah Anha. She further told that the Holy Quran is not a divine book but it has been written/compiled by you, Muslims. I narrated all this to Qari Saalam, Muhammad Afzal and Mukhtar Ahmed etc. who called a public gathering in the village where the accused Asia Bibi was also brought and she confessed her guilt in the public gathering and she also requested the pardon.

XXXXXX By the defence counsel.

I have passed middle examine. I studied the holy Quran from my mother. The matter was reported to Qari Saalam complainant by my sister Asma Bibi who was the student of the wife of the complainant on the evening of the same day i.e. 14.6.2009. My statement was recorded u/s 161 Cr.P.C by the IO on 19.6.2009 in my village. In public gathering, so many people were present there, it is said that they were more than 1000/-. The public gathering was organized in our house i.e. in the house of Abdul Sattar, my father. The public gathering was held four days after the occurrence in our house. Volunteered it was 19.6.2009 and it was Friday and the time was 12 Noon. I do not remember who brought the accused Asia Bibi in the public gathering. However, he was the resident of our village. In the public gathering, so many Olmas (علماء کرام)/ Imam Masjids of

the area were gathered apart from Qari Saalam, the complainant. At the time when the accused Asia Bibi was brought in the public gathering, she was not confused or afraid but she was normal. My date of birth is 05.01.1979. The public gathering was prolonged for 15/20 minutes. I got mentioned in my statement u/s 161 Cr.P.C. that more than 1000/- people were present in the public gathering. (Confronted with Exh. DA where it is not so recorded). I also got mentioned before the Io u/s 161 Cr.P.C. that other Olmas (علماء) other than the complainant were present there. (Confronted with Exh.DA where it is not so recorded). I also got recorded in my said statement that the gathering was held in the house of my father. (Confronted with ExhDA where it is not so recorded). It is incorrect to suggest that I recorded my statement against the accused Asia Bibi due to the quarrel which took place between me and Asia Bibi during the plucking of Falsa (فالسہ) on the same day. It is further incorrect to suggest that I have deposed falsely today and listened nothing.

RO & AC.
01.6.2010.

Addl. Sessions Judge,
Nankana Sahib.

The State Vs. Mst. Asia Bibi

PW-3. Asma Bibi daughter of Abdul Sattar, case Mochi, aged about 22 years, house-hold, resident of Chak no.3 Ittanwali, Tehsil and Distt. Nankana Sahib.

On Oath.

On 14.6.2009, I along with mafia Bibi, Yasmeen Bibi and accused Asia Bibi was present I the field of Falsa (فالسہ) and was plucking the Falsa. The accused Asia Bibi is Christian by religion. During the plucking of Falsa, the accused Asia Bibi narrated before me and others that Hazrat Muhammad PHUB fell ill on the bed one month prior to his death and the insects were hatched from his mouth and ear. She further declared that Hazrat Muhammad PBUH contracted the marriage with Hazrat Khadeja Razi Allah Anha in order to loot her wealth and after looting the same she as discarded by the Holy Prophet PHUB. She further mentioned that the Holy Quran is not a divine and Holy Book but it is man made book. I alongwith other PWs informed the matter to Qari Saalam, the complainant. Muhammad Afzal and Mukhtar were also present there. They managed a public gathering in the village where the accused Asia Bibi was also brought and she confessed her guilt there and she also requested for the pardon . My statement was recorded before the IO u/s 161 Cr.P.C.

XXXXX By he defence counsel.

I studied up to 6th class. I studied the knowledge of the Holy Quran from the wife of the complainant. I do not remember my exact date of birth. The public gathering was held in our house on 19.6.2009 at 12 Noon. The public gathering took place in the house of our neighbour who is Rana Razzaq. So many peoples were gathered there. The numbers of the peoples may be more than 2000/-. Apart from the inhabitants of our village, the peoples of the nearby villages were also gathered there. We went in the public gathering by our own. The accused Mst. Asia Bibi was also present there. She was called by the people of the village. The house of accused Mst. Asia Bibi is situated three houses away from the place of gathering. The accused was brought there on foot and the people who called her, were

also on foot. The gathering prolonged about for 15 minutes. The accused Mst. Asia Bibi was quite normal when she was brought in the gathering. I was not tutored by the complainant Qari Saalam when I recorded my statement. Prior to the day of the occurrence, we were used to pluck Falsa (فالسہ) from the fields. Prior to the occurrence, there was no any altercation between us and the accused Mst. Asia Bibi. It is incorrect to suggest that on the day of occurrence, a quarrel took place between me and the accused Mst. Asia Bibi in the said garden on the issue of drinking water. It is further incorrect to suggest that the accused did not occur the above mentioned sarcastic/derogatory remarks. It is also incorrect to suggest that I am deposing falsely today due to the grudge of the quarrel which took place between me and the accused Mst. Asia Bibi. I got mentioned in my statement the factor of public gathering before the IO. (Confronted with Exh.DB, where it is not so recorded). I also got recorded before the IO in my statement that more than 2000/- peoples were present in the public gathering. (Confronted with Exh.DB, where it is not so recorded). It is incorrect to suggest that no public gathering was held in the house of Rana Razzaq. It is further incorrect to suggest that I am deposing falsely and nothing has been heard directly by the mouth of the accused Mst. Asia Bibi.

RO & AC.
01.6.2010.

Addl. Sessions Judge,
Nankana Sahib.

PW-4. Muhammad Afzal son of Muhammad Tufail, Caste Gujjar, aged about 37 years, Profession Cultivator, resident of Chak No.3, Ittanwali, Tehsil and District Nankana Sahib.

On Oath.

On 14.6.2009, I was present in my house. Mst. Mafia Bibi, Mst. Asma Bibi, Mst.Yasmeen along with Qari Saalam and Mukhtar Ahmed came to me and narrated me about the occurrence in connection with the derogatory and objectionable remarks and blasphemy towards the Holy Prophet PBUH and Holy Quran uttered by the present accused Mst. Asia Bibi. On 19. 6.2009, a public gathering was held in the house of Mukhtar Ahmed and I was also present in the public gathering. The accused Mst. Asia Bibi who was a Christian, was brought there who confessed her guilt before me as " I have committed the blasphemy and has delivered the improper and derogatory remarks about the Holy Quran, let me pardon '". My statement was also recorded before the IO.

XXXXX By the defence counsel.

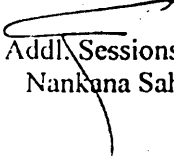
I got recorded in my statement before the police that the ladies/PWs along with Qari Saalam complainant and Mukhtar Ahmed came to my house. (Confronted with Exh.DC, where it is not so recorded). I also got recorded in my statement before the police about the public gathering which took place on 19.6.2009. (Confronted with Exh.DC, where it is not so recorded). I also got recorded in my said statement that the accused Mst. Asia Bibi was also brought there in the public gathering . (Confronted with Exh.DC, where it is not so recorded). I also got recorded in my statement that the public gathering was took place at the house of Mukhtar Ahmed. (Confronted with Exh.DC, where it is not so recorded). The public gathering was held at 11/12 Noon. So many peoples were present there in the public gathering, they may be more than 200/250/-. I was called by Qari Saalam and Mukhtar Ahmed in the public gathering. Mukhtar Ahmed is also PW in this case. The house of accused Mst. Asia Bibi is situated at the distance of 200/250/- yards from the house of Mukhtar Ahmed. It was Mushtaq Ahmed who brought the accused Mst. Asia Bibi in the pubic gathering. The said

Mushtaq Ahmed is Imam Masjid of the village Chak Wattwan and he brought the accused Mst. Asia Bibi in the public gathering on 19.6.2009. The accused Mst. Asia Bibi came there without any of her relative or husband. The public gathering continued for 2/2 ½ hours and it was decided there to register the case against the accused Mst. Asia Bibi. The accused Mst. Asia Bibi was not tried to be tortured by any participant of the village or public gathering. The accused Mst. Asia Bibi was brought by Qari Mushtaq Ahmed from the field of Falsa (فالسہ). It is incorrect to suggest that the accused Mst. Asia Bibi did not confess her guilt before me in the public gathering. It is further incorrect to suggest that no public gathering was held in the house of Mushtaq Ahmed PW on 19.6.2009. It is also incorrect to suggest that I am deposing falsely today. It is incorrect to suggest that the accused Mst. Asia Bibi is innocent.

RO & AC.
01.6.2010.

Addl. Sessions Judge,
Nankana Sahib.

The State Vs. Mst. Asia Bibi

PW-5 Muhammad Rizwan SI presently posted at PC Faisalabad.

On oath.

On 19.6.2009, I was posted as Moharrar/ASI at PS sadar Nankana Sahib. The complainant Qari Muhammad Saalam presented before me a complaint Exh.PA, upon which I formally jorted down the FIR Exh.PA/1 without any addition or omission and which bears my signature. The copy of the FIR along with the complaint was sent to Arshad Dogar SI the IO for the purpose of further proceeding.

XXXX By the defence counsel.

Nil. Opportunity given.

RO & AC.
15.6.2010.

Addl. Sessions judge,
Nankana Sahib.

The State Vs. Mst.Asia Bibi

IW-6. Muhammad Amin Bukhari, SP (Investigation) Sheikhupura.

On oath.

On 24th June, 2009, I was posted as SP (Investigation) Sheikhupura. On the same day, vide letter No.18523 dated 26.6.2009, issued by DIG/RPC Range, Sheikhupura, the investigation of this case was entrusted to me as the office of SI (Investigation) Nankana Sahib was vacant ~~xxxxx~~. On 29.6.2009, I summoned both the parties at my office. 27 people from the complainant party and 5 persons from the accused party appeared before me. 5 persons from complainant side recorded their statements u/s 161 Cr.P.C. before me. I investigated the case thoroughly. After obtaining the permission from the concerned court Exh.PB, I recorded the statement of the accused Asia Bibi in the Jail on 06.7.2009. During my investigation, it revealed upon me that in the Falsa (فالسہ) filed owned by Muhammad Idrees, the ladies of the village including the accused and the PWs were present there who started to discuss prophets and religious etc. Accused Asia Bibi who is a christian delivered derogatory remarks before the other ladies which come under the definition of blasphemy. The owner of the said field namely Idrees (whose statement u/s 161 Cr.P.C. separately recorded by me) also attracted towards the said laides, before him, the PWs (ladies) narrated the matter ~~xx~~ who inquired from the accused Asia Bibi about her narration upon which she confessed that she had delivered the derogatory remarks, however, she begged pardon. After my investigation and probe, I declared the accused Asia Bibi as guilty of blasphemy on 06.7.09 and uttering the derogatory remarks about Holy Prophet (PBUH) about the Holy Quran . During the investigation, it came to my knowledge that the accused Asia Bibi stated to the PWs that Hazrat Muhammad(PBUH) fell ill on the bed one month prior to his death and Naooz Billa (نعوذ باللہ), the insects were developed/created in his mouth and ear. The accused further

IW-6.

Asia Bibi in the Jail, I obtained the prior permission from Magistrate Section 30-, Nankana Sahib. It was the stance of accused Asia Bibi before me, that she confessed my guilt under the fear of the people but it was not proved in my investigation.

Muhammad Idrees IW in his statement u/s 161 Cr.P.C. stated that the religious quarrel took place in between the accused Asia Bibi and PWs on the issue of drinking water. I have not visited the place of occurrence. The statements of the PWs u/s 161 Cr.P.C. were got recorded by the Reader of mine. Volunteered I signed the same after its reading. Volunteered I was present there when the said statements were recorded by my Reader. I did not record the statements in my own hand due to the rush of work of this case. Prior to the recording of the statements of PWs before me, I did not observe the statements u/s 161 Cr.P.C. recorded by Muhammad Arshad SI-IC, so that I might not be prejudice. At the time when I visited the jail in order to record the statement of the accused Asia Bibi, the PWs were not along with me. However, my Reader was along with me. It is incorrect to suggest that the accused lady was innocent and was involved in this case due to the religious quarrel. I did not inquire from the PWs about their education during my investigation. It is incorrect to suggest that I declared the accused Asia Bibi as guilty with malafide intention.

RO & AC.
06.7.2010.

Addl.Sessions Judge,
Nankana Sahib.

The State Vs. Mst. Asia Bibi

PW-7. Muhammad Arshad SI-IO presently posted at PS Safdarabad, Distt. Sheikhupura.

On oath..

On 19.6.2009, I was posted at PS Sadar Nankana Sahib. The MHC of PS informed me that at village Ittanwali, a religious quarrel had taken place and I had to rush there. I went there after receiving the copy of FIR and having apprised that the investigation of this case was entrusted to me. I inspected the place of occurrence and recorded the statements of the PWs under section 161 Cr.P.C. and prepared rough site plan Exh.PC. I arrested accused with the help of two lady constables who were in my accompany. I presented the accused person before the Judicial Magistrate and then sent her to judicial lockup. I also submitted an application for the medical examination of the accused who (accused) refused to be medically examined. The application is Exh.PD. After that, the investigation of this case was entrusted to Muhammad Amin, SP (Investigation) Sheikhupura.

XXXXXXX By the defence counsel.

About 25/30 persons were present at the place of occurrence when I reached there. The place of occurrence was the Falsa field of one Idrees, the people were gathered there and in the nearby when I reached there. 20/25 persons were also present in the nearby of the said Falsa ( ) field. I recorded the statements of the PWs u/s 161 Cr.P.C. with my own hand. I am matriculate. The copy of the FIR was handed over to me by the MHC at PS. Accused Asia Bibi was arrested on 19.6.2009 by me at about 4/5 p.m from her house situated at Ittanwali village. I have studied the section 196 Cr.P.C. but I do not know exactly about its contents. I do not know whether before registration of the case under section 295-A, B & C, PPC, the permission from the Provincial Govt and Central Govt. is necessary. When I reached at the place of occurrence on 19.6.2009, the people belonging to

both the communities i.e. Muslims and Christain were present there, however, the Muslims were in majority. On 19.6.2009, I reached in village Ittanwali at about 7 p.m. and remained there for one hour and then I came back to PS. In Exh.PC, the unscaled site plan, I have not mentioned the presence of PWs there, however, I have mentioned Point A, where the blasphemy was made. After the accused of accused Asia Bibi, she was immediately sent to judicial lockup in the accompany of lady constables. I did not conduct the investigation of this case. It is incorrect to suggest that I am deposing falsely today due to the pressure of my highups.

RC & AC.
06.7.2010.

Addl Sessions Judge,
Nankana Sahib.

The State Vs. Mst. Asia Bibi

Statement of the learned ADPP for the State.
Without Oath.

I give up PWs Mst.Yasmin Bibi and Mukhtar Ahmed being unnecessary with the consultation of the learned counsel for the complainant.

RO & AC.
01.6.2010.

Addl. Sessions Judge,
Nankana Sahib.

The State Vs. Mst. Asia Bibi

CW-1. Muhammad Idrees son of Haji Ahmed Ali, Caste Arain, aged about 32 years, Cultivator, resident of Chak No.3 Ittanwali, Tehsil and District Nankana Sahib.

On Oath.

I am the owner of ten acres agricultural land situated at Chak Ittanwali. On 14.6.2009, I was present in my Falsa (فالسہ) field. At about 9/10 a.m. the worker ladies of the Falsa field were to dying. Mst. Asia Bibi accused would fetch water for them. Asma Bibi and Mafia Bibi said that since the accused is Christian, then they would not drink from her hands. This led to quarrel between them. I was also intimated about this quarrel. Then I went to the ladies and asked about the reason of their quarrel, where upon Asma Bibi and Mafia Bibi told me that the lady (accused) explained interrogatory remarks against the Holy Prophet (PBUH). I asked from Asia Bibi accused where she confessed before me. On this, I asked her to get away from our field as she used interrogatory remarks against the Holy Prophet (PBUH). I made the Muslim ladies to be silent. Asma Bibi and Mafia Bibi then intimated the incident to Qari Salam, the complainant of this case. The said complainant verified about the facts from me. After 3 / 4 days, an assembly was convened in the Dera of Haji Ali Ahmed. A number of persons including religious scholars were present there. The present accused confessed her guilt before them and asked for pardon. She also confessed her guilt before the IO.

XXXXX By the complainant counsel.

It is correct that the accused also made a interrogatory remarks/statement regarding the Holy Quran saying that it was not devine book.

XXXXX By the defence counsel.

I joined investigation on 04.7.2009. I can not tell the name of Police Officer, however, he was SSP (Investigation) Sheikhupura. Before appearing before SSP, I never appeared before any Police Officer and also not got recorded statement anywhere. It is incorrect to suggest that I did not appear before the police as the police recorded my statement at belated stage just to strengthen the prosecution case. It is incorrect to suggest that neither I was present in the field of Falsa nor the accused has confessed before me. It is further incorrect to suggest that I give my statement while conspiring with Qari Salam, the complainant of this case. FIR was lodged on 19.6.2009 and my

statement was recorded on 04.7.2009, during the period, no assembly was convened anywhere except one which was held in the Dera of Ali Ahmed. The police remained visiting the place of occurrence in order to investigate the case on different occasions. Since I remained busy in the garden of Falsa, so, I did not appear before the police on any occasion when they visited the place of occurrence. It is incorrect that neither the police reached nor I appeared before the police for making the statement. I might have 7/8 hundred Falsa trees. We daily pluck about 9/10 baskets of the Falsa from my field. I did not specifically got mentioned Killa Numer, Khasra Number, from where the above mentioned ladies along with accused plucked Falsa on the day of occurrences. 25/30 ladies works in our fields daily. About 20 ladies were present near the accused at the time of occurrence. Only one lady namely Parveen Bibi was examined by the police out of the lot present there besides two PWs. We pay daily wages to the ladies. Nasreen Bibi, Zulaikhan Bibi, were out of the said ladies but I do not remember the names of others. These ladies are also appeared before the police and the statements of the ladies except two witnesses were not recorded. I have maintained the register for the ladies who worked in my fields. I am not with register today nor I produce the same before the police. I myself supervised the ladies while sitting outside the field. I and my wife Samina Bibi was also present in the fields. Statement of Samina Bibi was also recorded by the police official. It is incorrect to suggest that I made fictitious story while conspiring with the complainant as no body expect PWs supported the case of the complainant while appearing before the police. I was at the distance of 2/3 Killa away when I came to know about the occurrence. A small child has conveyed me information. I do not remember his name. I confirmed about the facts Since nothing happened at the place of occurrence, so, I am intentionally concealing the fact. My garden is at the distance of two kilometers away from my village. Only accused being Christian worked in my field. When I cam at the spot, I only came to know that the quarrel between the accused and PWs occurred on fetching of the water.

I do not know that the accused is educated lady or not. I do not know whether the accused is uneducated or religious preacher of her sect. There are 6/7 houses of Christians in the village having no church with them in the village. The accused and other Christians are residing in our village since the emergence of Pakistan. No likewise occurrence ever took place in my village prior to present one.

The assembly was convened 2/3 days after the occurrence. The Dera of Haji Ali Ahmed is situated within the village. The house of accused is in front of the said Dera. Since I was not present there during the assembly so I can not say that Haji Ali Ahmed was present there or not. I was not present in the assembly and the people had told me about the confession of the accused. I do not know as if Haji Ali Ahmed appeared before the police and rerecorded his statement. That since no assembly was convened at the Dera of Haji Ali Ahmed, so, I am not telling the facts. I do not know then names of any religious scholars assembled there. The scholars did not pass any verdict in writing or give any Fatva (فتویٰ) however, they handed over the accused to the police. The accused is a married woman having two daughters. The husband of the accused is a labourer. It is incorrect to suggest that we gave a rong colour of fetching water by the accused and got her falsely involved in this case. It is incorrect to suggest that the accused gave oath on the Bible that she has not passed such interrogatory remarks against the Holy Prophet PBUH) and the Holy Quran. Asia Bibi accused was arrested at the Dera of Haji Ali Ahmed. It is incorrect to suggest that any gathering was formulated at the Dera of Mukhtar and Abdul Sattar. It is correct to suggest that the assembly was not convened anywhere except the Dera of Ali Ahmed. I do not know as who brought the accused in the assembly held in the Dera of Haji Ali Ahmed. There are 4/5 house in between the house of accused and the ladies PWs. I did not allow the accused lady to again work in my field after this incident. On the day of assembly, she came to me in the fields and asked me to save my life but I refused saying that I am Muslim and I can not support her. It is in correct to suggest that the accused lady engaged in work at my Falsa field, however, it is correct that the other ladies concluding PWs continued their work there. The ladies who remained working in my field including PWs are of my village. All are known to me. I do not know if any religious scholar appeared before the police who participated in the assembly. It is incorrect to suggest that no scholar was called in the village nor any assembly was convened in the Dera of Haji Ali Ahmed. It is incorrect to suggest that the accused lady had passed any interrogatory remarks against Holy Prophet (PBUH) and Holy Quran . It is incorrect to suggest that I expressed the full l honour and respect to the Holy Prophet (PBUH) and Holy Quran . It is incorrect to suggest that I in connivance with Qari Salam, I falsely involved the accused in this case.

RO & AC.
[illegible]

[illegible] Judge,
[illegible] Sahib.

The State Vs. Mst. Asia Bibi

Statement of Mian Zulfiqar Ali Advocate,
Learned counsel for the complainant.
Without Oath.

I close the prosecution evidence.

RO & AC.
15.10.2010.

Addl. Sessions Judge,
Nankana Sahib.

The State Vs. Mst. Asia Bibi

Statement of the accused Mst. Asia Bibi
Wife of Ashiq, Caste Christian, aged about 24 years,
House-hold, resident of Ittanwali Chak No.3,
PS Sadar Nankana Sahib under section 342 Cr. P. C.
Without Oath.

Q.1. Have you heard and understood the prosecution evidence recorded in your presence?

Ans. Yes.

Q.2. It is in the prosecution evidence that on 14.6.2009, you were present in the field of Falsa situated near the village Abadi and were busy in plucking of Falsa along with Mst. Asma Bibi, Mst. Mafia Bibi and Mst. Yasmeen Bibi along with other female members of the vicinity. What you have to say about it?

Ans. It is incorrect.

Q.3. It is in the prosecution evidence that you made derogatory remarks about the Holy Prophet (PBUH) that he felt ill on bed for one month prior to his death and insects were created in is mouth and ear. You accused further uttered derogatory speech that the Holy Prophet (PBUH) contracted marriage with Hazrat Khadeja, Razi Allah Anha just to loot her wealth and after looting the same, the Holy Prophet (PBUH) discarded her. What you have to say about it ?

Ans. It is incorrect.

Q.4. It is in the prosecution evidence that you accused on the same date, time and place further made derogatory remarks about the Holy Quran that the same is not divine book but it is a self written/compiled book. What you have to say about it?

Ans. It is incorrect.

Q.5. It is in the prosecution evidence that a public gathering was called in the village where you accused confessed your guilt and requested for pardon. What you have to say about it ?

Ans. It is incorrect.

Q.6. It is in the prosecution evidence that PW-1 Qari Muhammad Saalam got lodged complaint Exh.PA against you in the police station. What you have to say about it ?

Ans. I do not know.

Q.7. Why this case was registered against you and why the PWs have deposed against you?

Ans. I am married woman having two daughters. My husband is a poor labourer. I used to pluck Falsa from the plants of Muhammad Idrees along with number of ladies on the daily wages basis. On trhe alleged day of occurrence, I along with number of ladies were working in the fields. Both the ladies Mst. Mafia Bibi and Mst.

Asma Bibi PWs quarreled with me over fetching water which was offered by me to bring for them but they refused saying that since I am Christian, so, they never took water from the hand of Christian. Over this, quarrel was insued and some hot words were exchanged between myself and the PWs ladies. The PWs then approached Qari Saalam complainant through his wife who remained teaching the both ladies, hence, the PWs were conspiring with Qari Saalam got a false, fabricated and fictitious case against me. I offered my oath to police on Bible that I had never passed such derogatory and shameful remarks against the Holy prophet (PBUH) and the Holy Quran. I have great respect and honour to the Holy Prophet (PBUH) as well as Holy Quran and since police had conspired with the complainant, so, the police has falsely booked me in this case. The PWs are real sisters and interested to falsely involve me in this case as they both felt disgrace and dishonour on the basis of altercation and hard words extended to them. Qari Saalam complainant is also interested person and both the ladies remained teaching Holy Quran from his wife. My forefathers are living in this village since creation of Pakistan. I am also about 40 years old and since the alleged occurrence, no complaint likewise this never exist against me. I am uneducated and no priest of Christian. So much so there is no church of the Christian in the village, so, being ignorant of any Islamic thought, how can I use such clumsy and derogatory remarks against the beloved Prophet (PBUH) of Allah and the Divine book viz Holy Quran. PW Idress is also a interested witness who has close family links with their above said ladies.

Q.8. Do you want to say anything else?

Ans. I am innocent.

Q.9. Will you produce any defence evidence?

Ans. No.

Q.10. Will you appear as your own witness as required u/s 340 (2) Cr.P.C in disproof of allegations leveled against you?

Ans. No.

RO & AC.

20.10.2010.

Addl. Sessions Judge,
Nankana Sahib.

It is certified that the statement of the accused has been recorded in my presence and hearing in the court and it is a full and true account of her statement.

Dated .
20.10.2010.

Addl. Sessions Judge,
Nankana Sahib.